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KIRF, KJUS, TBIO, KWMN, IN

SUBJECT: DELHI DIARY, MARCH 10-14

REF: A. DELHI 724

[B.](#) 07 DELHI 5830

[C.](#) KOLKATA 88

[D.](#) KOLKATA 80

[11.](#) (U) Below is a compilation of political highlights from Embassy New Delhi for March 10-14, 2008 that did not feature in our other reporting:

-- The Spy Who Came in from the Cold Changes His Story  
-- CBI Has Nothing to Show for its Tytler Enquiry  
-- Supreme Court Avoids Meddling in Politics  
-- Himachal Proposes Pre-Marital AIDS Tests  
-- Women's Empowerment in BJP-Ruled Uttarkhand

The Spy Who Came in from the Cold Changes His Story

[12.](#) (U) On March 7, Kashmir Singh, who was recently released from a Pakistani prison after having served 35 years (ref A), admitted that he was a spy for Indian military intelligence but a day later changed his story. The admission of being a spy was made at a press conference in Chandigarh. He stated "I was paid Rs. 400 as salary...as per duty, I went to serve the country." He did not discuss who controlled his operations or how he originally entered Pakistan, but that he changed his looks to appear Muslim. Singh also claims that he speaks Persian, Urdu and Arabic and his duty took him to Afghanistan and Iran as well. Singh explained how he "deplores" the successive Indian governments because they did not give his family any compensation nor try to secure his release. The Punjab Chief Minister has recently announced a monthly pension of Rs. 10,000 (USD 250) for him and his wife. On March 8, in a complete reversal, Singh told the Press Trust of India (PTI), that his previous statement was false and distorted by the media. Singh told PTI, "I did not give the statement of my being a spy" and "there was no pressure on me to withdraw the statement."

[13.](#) (SBU) Clearly, somebody in the Indian military or security agencies had a talk with him to advise him to keep the sensitive issue from the past under wraps. The Kashmir Singh flip-flop does not bode well for other prisoners on

both sides. Release of prisoners comes with a down side for the military/security agencies of the countries of returning prisoner. Many of these prisoners are privy to sensitive matters that authorities would rather keep out of the media. Many accused spies continue to languish in Indian and Pakistani jails, and Kashmir Singh has made it harder for them. End Comment.

CBI Has Nothing to Show for its Tytler Enquiry

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**¶4.** (U) On March 12, a Delhi city court slammed the Central Bureau of Investigations (CBI) for not submitting a status report on progress in the Jagdish Tytler case. Three months ago, the court had ordered the CBI to re-investigate the role of Congress Party member Jagdish Tytler in the 1984 anti-Sikh riots (ref A). In the March 12 hearing in his court, the Chief Metropolitan Magistrate rebuked the GOI agency, saying "The attitude of the CBI is very strange...They should bring the guilty to book and not shield them." The CBI had asked the court for more time because some issues were sub-judice in the Delhi High Court. After the castigation, the CBI pledged to file the status report within a week.

**¶5.** (U) The CBI had closed the case against Tytler in September 2007, claiming it could not trace a key witness. The Delhi city court had ordered the case reopened in December 2007 after the witness, now living in the United States, emerged and readily agreed to testify that he had overheard and saw Tytler inciting and leading murderous mobs in North Delhi during the riots. The Nanavati Commission's original investigation into Tytler during the riots found

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"credible evidence" that he played a role in organizing the communal attacks.

**¶6.** (SBU) Comment: During the 1984 anti-Sikh riots, Jagdish Tytler played a particularly grotesque role, competing with local Congress Party leaders to see which wards could shed more Sikh blood (ref A). It is clear from the CBI's actions that it is seeking to stall, delay and further drag out this 23-year old case. Some believe that it is doing the bidding of its current masters in the Congress Party for whom the party's role in 1984 riots is highly embarrassing and they would like nothing better than to push the Tytler case under the rug for another 23 years.

Supreme Court Avoids Meddling in Politics

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**¶7.** (U) The Supreme Court declined to intercede in the political process underway for formation of a new government in India's northeast state of Meghalaya, where elections were held on March 3 and results announced on March 7 (ref C,D). In responding March 12 to a petition filed by the Meghalaya Progressive Alliance (MPA), the court said it saw no "extreme circumstances" that would warrant its interference in the state Governor's decision to invite the Congress Party to form the government and test its strength on the floor of the house within 10 days. The Congress Party is the largest party in the new assembly with 25 seats but falls short of a majority in the 60 member assembly. The MPA coalition has a majority with 31 seats in the legislature. The counsel for the MPA accused the state Governor of throwing "all democratic norms to the wind" by giving the first shot at forming the government to the Congress Party despite the MPA having paraded its 31 members before the Governor. But the court was not buying it, with one of the justices asking: "If you have got a solid 31 members, why do you worry?"

**¶8.** (SBU) Comment: The MPA worries because horse-trading - changing alliances and switching parties - is a common practice in India's political system, especially in small states with multiple parties with only a few seats each. The MPA is clearly concerned that once the Congress Party is in

power, it will be able to use promises of office to induce some members from the MPA coalition to switch sides and allow the forge a ruling majority.

19. (SBU) The Supreme Court's decision to refuse to be drawn into the issue is significant. Indian courts have in the past not hesitated to jump into areas more properly the responsibility of the legislature or the executive. Some Supreme Court justices have in recent months cautioned the judiciary about its activism and some legislators have complained about judicial encroachment. In responding to a request from the MPA counsel that the court reduce the 10 days given to the Congress Party to prove its strength on the floor of Meghalaya assembly, one justice responded: Only the Governor has the power (to do that) ... We cannot regulate the proceedings of the house unless there are extreme circumstances." The Supreme Court appears to be sending down a signal of judicial restraint, at least for now.

Himachal Proposes Pre-Marital AIDS Tests

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10. (U) The BJP chief minister of Himachal Pradesh (HP), Prem Kumar Dhumal, this week announced the state government would encourage pre-marital AIDS tests as a means of boosting awareness in a state with 2,622 confirmed cases of HIV, 60% of them women who likely contracted the virus from their husbands. He also suggested converting the state's anganwari centers (community centers for educating women and girls about health and nutrition) into Red Ribbon centers, especially in high-AIDS-risk industrial areas. Locally active AIDS-related NGOs that work with the government in the state reacted positively to the idea of pre-marital testing, but

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questioned its effectiveness, given previous government programs' limited success at raising awareness.

11. (U) The rise of HIV occurrence in India will impact the overall spread of HIV in Asia and around the world. India is second only to South Africa in terms of the overall number of people living with the disease.

12. (U) Comment: Voluntary HIV/AIDS testing will likely not inspire the majority of HP residents to do the needful before their nuptials. NGOs claim that, to date, government intervention has not been effective. However, as little as five years ago, HIV/AIDS was widely regarded as too taboo to broach in polite circles. Therefore, any GOI effort to raise awareness and encourage testing is a welcome step in the right direction to battle this dreaded disease. While Dhumal is the first State Minister to suggest pre-marital HIV/AIDS testing, the Central Government also periodically floats the idea to little public resonance or reaction.

Women's Empowerment in BJP-Ruled Uttarkhand

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13. (U) In an important step for empowerment of women, the small northern state of Uttarkhand enacted legislation on March 12 to reserve 50 percent of the seats in local government (panchayats) for women. With this measure, Uttarkhand joins Madhya Pradesh, Himachal Pradesh and Bihar as states which have set aside half the panchayat slots for women. NGOs in the state welcomed the move, with one saying that "It is a big step."

14. (SBU) The Panchayat election in the Uttarkhand are due in May. The Bharatiya Janata Party (BJP) government obviously believes this measure will help it appeal to the women's vote in these elections. It also is probably not lost on the local BJP party that in at least eight out the state's thirteen districts women outnumber men. The Uttarkhand initiative is consistent with a strategy adopted by the BJP recently to target the women vote nationally. The party has reserved 33 percent of the slots in the party

organization for women. All the states with a 50 percent quota for women in panchayats are BJP-ruled (in Bihar the BJP is a part of the ruling coalition.)

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